

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BRETT DONALD WEINRICH, )  
 )  
Petitioner, )  
 )  
v. ) No. 4:11CV1458 HEA  
 )  
TERRY RUSSELL, )  
 )  
Respondent. )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Petitioner seeks to challenge a 2005 state court judgment. Petitioner previously brought a habeas petition challenging the same judgment. See Weinrich v. Roper, 4:08CV1116 HEA (E.D. Mo.). That petition was denied, and petitioner's appeal was dismissed.

To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To

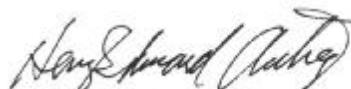
the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition shall be dismissed.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion to proceed in forma pauperis is **GRANTED**.

**IT IS FURTHER ORDERED** that petitioner's petition for writ of habeas corpus is **DISMISSED**.

Dated this 15th day of September, 2011.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE